IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6527 OF 2005

1. Ankush Vasant Gharat
2. Premnath Vasant Gharat ... Applicants.

Versus.

The State of Maharashtra. ... Respondent.

Shri A.P.Mundargi, Senior Counsel i/by Shri P.P.Runwal
for the Applicant.
Shri R.Y.Mirza, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 18th October, 2005.

P.C.:

1. The learned Senior Counsel appearing for the Applicant submitted that apart from the merits, the Applicant is entitled to bail on the ground of parity in view of the order dated 13th September 2005 passed in Criminal Application No.5829 of 2005 as well as order dated 26th July 2005 passed by the Sessions Court in favour of the co-accused.

2. After examining the material on record, the learned A.P.P. fairly stated that there is hardly any difference between the role ascribed to the Applicant and the role ascribed to the co-accused who has been ordered to be enlarged on bail. In view of this position, the Applicants are entitled to be enlarged on bail for the reason of parity.

3. Hence the following order is passed:

(i) The Applicants shall be enlarged on bail in connection with C.R.No. I-43/2005 registered at Mumbra Police Station, Dist.Thane, subject to furnishing a personal bond of Rs.20,000/- each with one solvent surety in the like amount.

(ii) Bail is granted subject to condition that the Applicants will not enter the village Khidkali, Dist.Thane, till completion of trial.

(iii) The bail is granted subject to further condition that the Applicants will attend the concerned Police Station on every Sunday between 5.00 p.m. and 7.00 p.m. till completion of trial. The Applicants shall not leave Thane District without the prior intimation to the Investigating officer till completion of trial.

(iv) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(v) The Applicants shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicants to delay the trial may be a ground for cancellation of bail.

(vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vii) Application is disposed of in above terms.

Judge.